

REMARKS

With entry of the amendment, claims 1-17 are pending. Claims 9-11 and 17 are under consideration, and claims 1-8 and 11-16 have been withdrawn from consideration. Claim 17 is new. Claim 9 has been amended to recite a polypeptide having at least 95% amino acid identity to amino acid residues 24-886 of SEQ ID NO:2 and retaining the ability to cleave mucin or a glycosylated polypeptide. Support for this amendment can be found at least at page 13, paragraph 73 and at page 14, paragraph 76. Claim 17 is drawn to a polypeptide comprising amino acid residues 24-886 of SEQ ID NO:2. Support for this amendment can be found at least at page 14, paragraph 74.

Rejections under 35 U.S.C. 112, first paragraph

Written Description

Claims 9-11 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way as to convey possession of the claimed invention at the time of filing the application. The Office action states that the genus disclosed, StcE polypeptides, is not sufficiently described by the species disclosed.

Applicants have amended claim 9 to recite “a polypeptide having at least 95% amino acid identity to amino acid residues 24-886 of SEQ ID NO:2 and retaining the ability to cleave mucin or a glycosylated polypeptide.” Applicants submit that the invention as claimed is described in the specification so as to reasonably convey to one skilled in the art that Applicants had possession of the invention. Therefore, Applicants respectfully request that the rejection of claims 9-11 under 35 U.S.C. 112, first paragraph be withdrawn.

Enablement

Claims 9-11 stand rejected under 35 U.S.C. 112, first paragraph for lacking enablement for a method of reducing the viscosity of mucin or a glycosylated polypeptide comprising contacting the material with a viscosity reducing effective amount of StcE from any source. Applicants have amended claim 9 to recite “a polypeptide having at least 95% amino acid identity to amino acid residues 24-886 of SEQ ID NO:2 and retaining the ability to cleave mucin or a glycosylated polypeptide.” Applicants respectfully submit that claims 9-11 and 17 are enabled and request that the enablement rejection be withdrawn.

Rejections under 35 U.S.C. 112, second paragraph

Indefiniteness

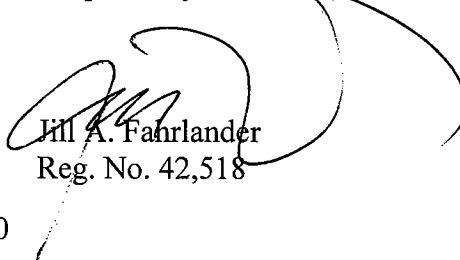
Claims 9-11 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to clarify the uncommon abbreviation "StcE." The claim term "StcE" has been removed from claim 9. Claims 10-11 depend from claim 9. Applicants respectfully submit that the indefiniteness rejection of claims 9-11 is overcome by the amendment to claim 9. Applicants therefore request that the rejection be withdrawn.

Rejections under Double Patenting

Claims 9-11 stand provisionally rejected under the judicially created doctrine of double patenting over claims 1-5 of copending Application No. 11/294,087. Applicants respectfully submit that in the event that the claims of the instant application are allowed, claims 1-3 of the copending Application No. 11/294,087 will be canceled and a terminal disclaimer will be filed.

In light of the arguments and amendments herein, Applicants respectfully request withdrawal of the rejections and allowance of the application. This response is being filed within three months of the statutory period for reply, so no fee is believed due in connection with this submission. However, if a fee is owed, please charge Deposit Account No. 50-0842 for such fee. Should any questions remain, the Examiner is encouraged to contact the undersigned at 608-257-3501.

Respectfully submitted,



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